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March 5, 2020

Via ECF

The Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *United States v. Rose, et al.*, 19 Cr. 789 (PGG) (S.D.N.Y.)

Dear Judge Gardephe:

We represent Leon Blue in the above-referenced matter. Since Mr. Blue's initial appearance on January 8, 2020, he has been detained at the Metropolitan Detention Center (MDC) in Brooklyn. We write because the MDC has failed to provide Mr. Blue with access to email – which is necessary for him to communicate with his attorneys and others – and has similarly failed to respond to our inquiry seeking help with this matter.

On January 28, 2020, we informed the Government that Mr. Blue lacked email access at MDC. Although the Assistant United States Attorneys responsible for the criminal case inquired about why Mr. Blue has not received email privileges, our understanding is that no satisfactory answer has been received from the MDC beyond the possibility that it might have something to do with the Adam Walsh Child Protection and Safety Act (the "Walsh Act"). Mr. Blue does not have a conviction for a child endangerment offense. But when we pressed for additional details, none were provided.

We therefore sought assistance from Nicole McFarland, the MDC's Supervisory Attorney, on February 24, 2020. To date, Ms. McFarland has failed to respond to our request. We are aware that Ms. McFarland is currently serving as the Supervisory Attorney for both the MDC and the Metropolitan Correctional Center (MCC), and that recent events at the MCC appear to have required immediate attention. Nevertheless, our client remains entitled to a response from the MDC as to why he has been without email access for nearly two months.

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe  
Paul G. Gardephe, U.S.D.J.

Dated: March 10, 2020

*The Bureau of Prisons will either provide the defendant with email access or provide an explanation for denial by March 17, 2020.*

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While we have not been able to correspond with Mr. Blue electronically, we have visited him multiple times at the MDC. We understand from our client that Mr. Blue's counselor at the MDC informed him that his email access might have been denied based on a rape allegation from approximately 30 years ago. We further understand that the arrest in question – which does not appear on the criminal history record provided to us by the Government – was based upon a wrongful allegation and that the charges against Mr. Blue were dismissed at his first court appearance. This decades-old unfounded allegation, which prosecutors properly declined to pursue, cannot reasonably be the basis for the MDC's decision. But we simply have no way of knowing.

We therefore must ask that the Court order the Bureau of Prisons either to provide Mr. Blue with email access or to articulate the reasons behind its refusal, so that Mr. Blue can correct or challenge the decision if necessary.

We thank Your Honor for your consideration of this request and apologize for the need to involve the Court in the issue.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Telemachus P. Kasulis', with a long horizontal stroke extending to the right.

Telemachus P. Kasulis

cc: All Parties (via ECF)  
Nicole McFarland, Esq. (via Email)